

REMARKS/ARGUMENTS

Claims 1-33 are pending. Claims 1-33 are rejected. Claims 1, 12 and 23 are amended herein. No new matter has been added herein as the result of the amendments. Applicant respectfully requests further examination and reconsideration in view of the instant response.

Claim Amendments

Claim 1 is amended herein to reflect the following (Claims 12 and 23 include similarly amended features):

A method for dynamically configuring a network component to reroute media streams, comprising:
receiving a request for content from a first network connected component;
determining a type of media service needed for at least a portion of said content to fulfill said request; and
configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, ~~wherein~~ said portion of said content is ~~positioned~~ to receive said type of media service performed by said third network connected component.

Support for these amendments is found in Applicant's specification at least on page 9, third paragraph, page 10, first paragraph and page 11, third paragraph.

CLAIM REJECTIONS

35 U.S.C. §112, First Paragraph Rejections

In the Office Action mailed April 8, 2009 (hereinafter, “instant Office Action”), Claims 1, 12, and 23 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. More particularly, the instant Office Action states:

The claimed limitation “*is positioned to receive*” is nowhere found in Applicant’s specification, and particularly in FIGs. 5, 7 and 8 as asserted by Applicant.

(Emphasis in original; Instant Office Action, page 3, section 7.) Applicant respectfully points out that Claims 1, 12 and 23 are amended herein, excising the word “positioned”. Furthermore, Claims 1, 12 and 23 are amended to reflect “said portion of said content to receive said type of media service performed by said third network connected component”. Support for this amendment can be found in Applicant’s specification at least on page 9, third paragraph, page 10, first paragraph and page 11, third paragraph.

Therefore, since the amendments made to Claims 1, 12, and 23 are described in the specification in such as way as to reasonably convey to one skilled in the relevant art that Applicant, at the time the application was filed, had possession of the claimed

invention, Applicant respectfully submits that Claims 1, 12, and 23 overcome the 35 U.S.C. §112, first paragraph rejection and respectfully requests its withdrawal.

35 U.S.C. §102(b) Rejections

Claims 1-6, 8, 11-17, 19, 22-28, 30 and 33

The instant Office Action states that Claims 1-6, 8, 11-17, 19, 22-28, 30 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by Signes et al. (U.S. Patent Publication No. 2002/0156842). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that Claims 1-6, 8, 11-17, 19, 22-28, 30 and 33 are not anticipated by Signes in view of at least the instant response.

Applicant respectfully points out that Claim 1 recites:

A method for dynamically configuring a network component to reroute media streams, comprising:
receiving a request for content from a first network connected component;
determining a type of media service needed for at least a portion of said content to fulfill said request; and
configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component.

MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”.

MPEP §2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 103 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). “The elements must be arranged as required by the claim...” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The instant Office Action states:

Signes discloses...*determining a type of media service needed for at least a portion of said content to fulfill said request (... e.g., identifying appropriate media that is responsive to the placeholder and identification of the client terminal 150); and configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component to receive said type of media service...*

(Emphasis in original; instant Office Action, page 4, section 9.)

Applicants respectfully submit that Signes does not anticipate:

determining a type of media service needed for at least a portion of said content to fulfill said request; and
configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component.

(Emphasis added; Applicant’s Claim 1.) Applicant understands Signes to disclose a “system for audio-visual media customization according to receiver attributes” (Signes, Title) in which a “rule engine looks to the content database 134 to determine a particular media content that is responsive to the request” (Signes, paragraph [0040]). This “media content” is linked to the attributes of the intended receiver (Signes, paragraph [0039].)

such as “local advertising based upon geographical location of the end user” (Signes, paragraph [0041]) and “advertising tailored to a end users’ interests, age, gender, language or profession” (Signes,. paragraph [0042]). The “media content” is “customized information” (emphasis added; Signes, paragraph [0024]), not a media service. Signes’ server 120 contains the personalized content that may be obtained.

Significantly, Signes remains silent as to “determining a type of media service needed for at least a portion of said content to fulfill said request” (Applicant’s Claim 1) in order to overcome a situation in which a content server “can only provide [content] in an [*sic*] a format (e.g. audio) that the client device 501 is not equipped to accommodate” (Applicant’s specification, page 12, first full paragraph). Thus, as Signes remains silent as to “determining a type of media service needed”, Applicant respectfully submits that Signes also remains silent as to:

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component

Therefore, Applicant respectfully submits that Signes does not anticipate:

A method for dynamically configuring a network component to reroute media streams, comprising:
receiving a request for content from a first network connected component;
determining a type of media service needed for at least a portion of said content to fulfill said request; and

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component.

(emphasis added) as is recited in Applicant's Claim 1.

Thus, Applicant respectfully submits that Signes does not anticipate the features as are set forth in independent Claim 1, and as such, Claim 1 traverses the rejection under 35 U.S.C. §102(b) and is condition for allowance. Accordingly, Applicant also respectfully submits that Claims 12 and 23 are in condition for allowance for the reasons stated herein with regards to Claim 1. Furthermore, Applicant respectfully asserts that Claims 2-6, 8 and 11 depending on Claim 1, Claims 13-17, 19 and 22 depending on Claim 12 and Claims 24-28, 30 and 33 depending on Claim 23 are allowable as being dependent on an allowable base claim.

Rejection under 35 U.S.C. §103(a)

Claims 7, 9-10, 18, 20-21, 29, 31 and 32

The instant Office Action rejects Claims 7, 9-10, 18, 20-21, 29, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over Signes in view of McCanne (U.S. Patent Application No. 6,785,704). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that Claims 7, 9-10, 18, 20-21, 29, 31 and 32 are patentable over Signes in view of McCanne for at least the following rationale.

Applicants respectfully submit that the combination of Signes and McCanne does not satisfy the requirements of a *prima facie* case of obviousness because the combination of Signes and McCanne as a whole do not suggest the features of Claim 1.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)).

Applicant respectfully notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141[III]).

Applicant respectfully submits that embodiments of Applicant’s Claim 1 as a whole would not have been obvious, and therefore the instant Office Action does not satisfy the requirements for a rejection of Claim 1 under 35 U.S.C. §103(a). In particular, Applicant respectfully submits that the instant Office Action fails to explain the differences between Signes, McCanne, and Applicant’s claimed features. Moreover,

Applicant respectfully submits that the instant Office Action fails to explain why these differences would have been obvious to one of ordinary skill in the art.

As stated herein, Applicant respectfully submits that Signes remains silent as to “determining a type of media service needed” as well as:

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component

as is recited in Applicant’s Claim 1. Furthermore, Applicant respectfully submits that McCanne fails to overcome the deficiencies of Signes. In particular, Applicant respectfully submits that McCanne also remains silent as to “determining a type of media service needed” as well as:

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component

as is recited in Applicant’s Claim 1. Applicant understands McCanne to disclose a “content distribution system for operation over an internetwork including content peering arrangements” (McCanne, Title) in which “a request for the content is sent from the client to a redirector node that receives requests, wherein a redirector at the redirector node provides an address for a server available to serve the requested content” (emphasis

added; McCanne, Abstract). However Applicant respectfully asserts that McCanne fails to disclose “determining a type of media service needed” as well as:

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component, said portion of said content to receive said type of media service performed by said third network connected component

as is recited in Applicant’s Claim 1. Moreover, Applicant respectfully asserts that nothing in McCanne provides a motivation to modify Signes to arrive at the features of Applicant’s Claim 1.

Additionally, Applicant respectfully submits that the instant Office Action fails to explain why the differences between Signes, McCanne, and Applicant’s features of Claim 1 would have been obvious to one of ordinary skill in the art.

Thus, in view of the combination of Signes and McCanne not satisfying the requirements of a *prima facie* case of obviousness, Applicant respectfully asserts that Claim 1 is patentable over Signes in view of McCanne. Additionally, Applicant respectfully submits that Claims 12 and 23 are patentable for the reasons stated herein with regards to Claim 1. Moreover, Applicant respectfully submits that Claims 7, 9 and 10 depending on Claim 1, Claims 18, 20 and 21 depending on Claim 12 and Claims 29, 31 and 32 depending on Claim 23 are in condition for allowance as being dependent on an allowable base claim.

CONCLUSION

In light of the amendments and arguments presented above, it is respectfully submitted that Claims 1-33 overcome the rejections of record. Therefore, allowance of Claims 1-33 is respectfully solicited.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER BLECHER, LLP

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/John P. Wagner, Jr./

John P. Wagner, Jr.
Reg. No. 35,398

123 Westridge Dr.
Watsonville, CA 95076
(408)377-0500